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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph et al. Docket No.: 1759.17239-FOR

Serial No.: 10/001,937 Examiner: A. Ramana

Filed: 25 October 2001 Group Art Unit: 3732

Title: Systems and Methods for Reducing Fractured Bone Using a Fracture Reduction Cannula

**RENEWED PETITION FOR AN UNINTENTIONALLY DELAYED BENEFIT
CLAIM PURSUANT TO 37 C.F.R. §1.78(a)(3)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



26308

PATENT TRADEMARK OFFICE

Dear Sir:

Applicant submits this Renewed Petition for an Unintentionally Delayed Benefit Claim Pursuant to 37 C.F.R. §1.78(a)(3) in response to the Decision on Petition 37 C.F.R. §1.78(a)(3) mailed August 16, 2004.

Applicant requests to amend the benefit claim under 35 U.S.C. §120 of the above-noted application as follows in marked-up form:

This application is a continuation-in-part of copending United States Application Serial No. 09/804,107, filed March 12, 2001, now U.S. Patent No. 6,613,054, which is divisional of United States Application Serial no. 09/134,323, filed August 14, 1998, now U.S. Patent No. 6,241,734. This application also claims the benefit of United States provisional application serial No. 60/243,194 filed 25 October 2000.

Applicant states that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. §1.78 and the date the claim was filed was unintentional.

Applicant hereby petitions for acceptance of the unintentionally delayed benefit claim.

The requisite fee under 37 C.F.R. §1.17(t) was previously submitted with Applicant's Petition for an Unintentionally Delayed Benefit Claim Pursuant to 37 C.F.R. §1.78(a)(3), filed May 21, 2004.

If any fee is required, charge Account No. 06-2360.

Respectfully Submitted,

By Patricia A. Limbach
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23 August 2004
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Kyphon/17239-FOR/040823 Renewal Petition Under 37 C.F.R. 1.78(a)(3)

Enclosure: Return postcard



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CERTIFICATE OF FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, on the date indicated below in an envelope addressed as follows: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

By:

A handwritten signature in black ink that reads "Linda S. Wenzel".

Dated: 23 August 2004

Linda S. Wenzel